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HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

Coram :- **Hon'ble Shri V.K. Shrivastava and**
Hon'ble Shri Dhirendra Mishra, JJ

Writ Appeal (PR) No. 7257 of 2006

Appellant : R.N. Rana, S/o Shri Natwar Singh, Aged about 60 years, R/o LIG 28, Sector – 1, Shankar Nagar, Raipur (CG).

Versus

Respondents :

1. Dena Bank, A Banking Company incorporated under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, having it's Head Office at Maker Towers 'E' Cuffe Parade, Bombay 400 005 Through the Chairman.
2. The General Manager, Personnel Administration & Social Banking (PASB), Dena Bank, Maker Towers 'E' Cuffe Parade, Bombay 400 005.
3. The Deputy General Manager, Dena Bank, Maker Towers 'E' Cuffe Parade, Bombay 400 005.
4. The Assistant General Manager (Personnel), Personnel Department, 7th Floor, Dena Bank, Maker Towers 'E' Cuffe Parade, Bombay 400 005.

Present :- Miss Deepali Pandey, counsel for the appellant.

None for the respondents.

JUDGMENT
(Passed on 6th day of February, 2007)

The judgment of the Court was passed by

Vijay Kumar Shrivastava, J.--- Appellant was an employee of Dena Bank; after departmental enquiry he was removed from his services by the Bank vide order dated 30-8-1989. Against the said order, he

preferred statutory appeal, that was dismissed vide order dated 24-2-1990. Thereafter, he filed review petition that was dismissed on 6-4-1992. Again he preferred review appeal and that was also dismissed on 15-9-1995. Feeling aggrieved he instituted a writ petition bearing No.159 of 1996 (**R.N. Rana vs. Dena Bank and Others**) for seeking reinstatement in service, award of suspension allowance or part wages with consequential benefits.

2) Learned Single Judge heard both the parties, perused the records appended to the petition as also considered the return. It was found that the petitioner (appellant herein) had admitted all the charges levelled against him and his defence was only to the extent that there was no financial loss caused to the Bank. The petitioner was supplied with an enquiry report also along with the order. The petitioner approached the appellate authority, revisional authority after having received the enquiry report. The purpose of second show cause notice has been served and the petitioner has sufficient opportunity to submit his explanation against the enquiry report. No prejudice was caused to the petitioner in absence of non-issuance of second show cause notice. Neither procedural requirement in conduct of enquiry nor thereafter before passing the impugned order of termination has been overlooked. Learned Single Judge after due appreciation of material available on record held that no irregularity, impropriety or illegality has been committed by the respondent/Bank Authorities during the enquiry or thereafter. After taking the shelter of various judgments/law laid down by Hon'ble Apex Court from time to time, learned Single Judge dismissed the writ petition vide order dated 6-92006 by a reasoned and elaborated order.

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3) Against the aforesaid order, the appellant filed a review petition bearing No.23 of 2006 (**R.N. Rana vs. Dena Bank and Others**). Learned Single Judge considered the same and dismissed the review petition, vide order dated 30-10-2006. Hence this instant writ appeal.

4) Once appellant instead of filing writ appeal took recourse of review, he is abstained from filing writ appeal for reconsideration after dismissal of his review petition.

5) Hon'ble the Apex Court in the case of **Govt. of India & Anr. Vs. George Philip**[1] held thus :

> "The jurisdiction exercised by the Tribunal or the High Court is a limited one and while exercising the power of judicial review, they cannot set aside the punishment altogether or impose some other penalty unless they find that there has been a substantial non-compliance of the rules of procedure or a gross violation of rules of natural justice which has caused prejudice to the employee and has resulted in miscarriage of justice or the punishment is shockingly disproportionate to the grava men of the charge."

6) Here in the instant case various serious charges have been levelled against the appellant and those charges have not only been proved under departmental enquiry, but also have been admitted by the appellant. There appears nothing to establish that substantial non-compliance of the rules or procedure or a gross violation of rules of natural justice, which has

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caused prejudice to the employee, have been committed by the Department. The punishment for such deliberate misconduct cannot be held to be shockingly disproportionate.

7) Neither the instant appeal in law is maintainable nor on merit there is any substance to interfere with the reasoned order passed by the learned Single Judge dismissing the writ petition.

8) For the foregoing reasons, the writ appeal being devoid of substance deserves to be dismissed summarily and is accordingly dismissed *in limine*. No costs.

Sd/-
Dhirendra Mishra
Judge

Gowri

Sd/-
V.K.Shrivastava
Judge